




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

June 20, 2005

MEMORANDUM

SUBJECT: National Remedy Review Board Recommendations for the Escambia Treating Company Superfund Site

FROM: Jo Ann Griffith, Chair
National Remedy Review Board 

TO: Winston A. Smith, Director
Waste Management Division

Purpose

The National Remedy Review Board (NRRB) has completed its review of the proposed cleanup action for the Escambia Treating Company Superfund Site in Pensacola, Florida. This memorandum documents the NRRB's advisory recommendations.

Context for NRRB Review

The Administrator announced the NRRB as one of the October 1995 Superfund Administrative Reforms to help control response costs and promote consistent and cost-effective decisions. The NRRB furthers these goals by providing a cross-regional, management-level, "real time" review of high cost proposed response actions prior to their being issued for public comment. The Board reviews all proposed cleanup actions that exceed its cost-based review criteria.

The NRRB evaluates the proposed actions for consistency with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and relevant Superfund policy and guidance. It focuses on the nature and complexity of the site; health and environmental risks; the range of alternatives that address site risks; the quality and reasonableness of the cost estimates for alternatives; regional, state/tribal, and other stakeholder opinions on the proposed actions, and any other relevant factors.

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Generally, the NRRB makes advisory recommendations to the appropriate regional decision maker. The Region will then include these recommendations in the administrative record for the site, typically before it issues the proposed cleanup plan for public comment. While the region is expected to give the Board's recommendations substantial weight, other important factors, such as subsequent public comment or technical analyses of response options, may influence the final regional decision. The Board expects the regional decision maker to respond in writing to its recommendations within a reasonable period of time, noting in particular how the recommendations influenced the proposed cleanup decision, including any effect on the estimated cost of the action. It is important to remember that the NRRB does not change the Agency's current delegations or alter in any way the public's role in site decisions.

Overview of the Proposed Action

The Escambia Wood Treating Company (ETC) Superfund Site, located in Pensacola, Florida, is a former wood preserver that operated for about forty years. Releases of creosote, pentachlorophenol, and related constituents have contaminated soil (operable unit 1) and ground water (operable unit 2) at and around the site. A removal action in 1992 resulted in a 255,000 cubic yard stockpile of contaminated soil which remains at the site. An interim action was performed as an EPA National Relocation Pilot Project that resulted in the relocation of more than 350 nearby residents. The proposed final action for this operable unit is excavation of the remaining contaminated soils on the ETC site and nearby properties; consolidation of contaminated soils within a lined excavation, capping of the wastes; land use controls; and, long-term maintenance and monitoring of the site.

NRRB Advisory Recommendations

The NRRB reviewed the information package describing this proposal and discussed related issues with your staff, Office of Regional Counsel, and representatives from the Florida Department of Environmental Protection (DEP) on April 28, 2005 (see attached list of attendees). As a result of this review, the Board offers the following comments:

1. Based on the information presented to the Board, it is not clear that the Florida statute and implementing regulations are an ARAR for the soil contamination at this site.
2. If the Florida statute is an ARAR, the State representatives indicated at the meeting that there was limited flexibility (engineering controls, institutional controls) in the cleanup approach taken to meet the statute's 10^{-6} cleanup requirement. The Board was not presented with information that indicated whether the Region considered any approaches other than the two-foot excavation across the off-site (former residential) areas. The Board encourages the Region to consider developing other alternatives to excavating all of the material above the state's commercial cleanup level or to document their rationale as to why that approach was not possible.

3. The previous EPA actions at the site included the relocation of a community of more than 350 residences. The Board acknowledges that the large number of residences relocated was a result of the site being selected for a relocation pilot by EPA Headquarters and not solely driven by human health risk issues.

The package presented to the Board included a Baseline Human Health Risk Assessment (BHHRA) that indicates the human health risks from most of the off-site properties (Clarinda Triangle) being proposed for relocation are already acceptable (e.g. within EPA's cancer risk range of 10^{-4} and 10^{-6} and EPA's dioxin cleanup policy of 1.0 ppb (OSWER Directive 9200.4-26). These few exceedances appear to be the basis for justifying a remedy that may not be necessary solely to protect human health. The Board recommends the Region consider limiting the scope of the action to the areas that present unacceptable risks or demonstrate that there is a clear basis for taking an action on properties that are within the acceptable risk range.

4. The cost estimates submitted to the Board were incomplete with regard to some of the key elements of the preferred remedy. For example, the package states that a clay layer will be part of the former facility's cap and institutional controls will be implemented, but the estimate did not include any costs for these activities. The costs included for operation and maintenance of the cap appear to be low and the basis for the cost of backfilling the excavated areas with clean soil is not stated. Also, there is a 5% allowance for permits, which are not required at CERCLA cleanups. The Board recommends the Region addresses these cost issues when developing the decision documents.
5. The Board notes that there was discussion during the Region's presentation that there may be opportunity for potential flexibilities in the capping design of the remedy. In the decision documents, the basis for estimated costs should be more comprehensive and the potential design flexibilities should be described. In particular, the Board recommends that the capping performance requirements (e.g., to prevent direct contact threat, to reduce permeability) be made clear in the decision documents. This will allow the designers to consider alternative type covers that might lower the overall capping costs.
6. Off-site risks (in the Clarinda Triangle area) appear to be driven by dioxin and benzo(A)pyrene equivalents (cPAHs), and not by other site-specific compounds such as naphthalene, fluoroethene, PCP, and others. Since these off-site drivers often occur in urban industrial areas, though anthropogenic, it was unclear to the Board as to whether they were site-related. Clearer documentation of the link to the site (attribution) should be provided in the decision documents.
7. The BHHRA, prepared in 1998, and presented to the Board evaluated risks primarily for current and future residential use. However, the reasonable anticipated future use, as presented in the Palafox Commerce Park Master Plan, considers the site to be a commercial, light industrial, and/or commerce center. The human health risks calculated for the reasonable anticipated future use scenario were not clearly presented to the Board

and should be clarified in the decision documents. If the only land use considered in the risk assessment was residential, the Board suggests the Region amend the BHHRA or explain why it still supports the need for action.

8. Because contaminated ground water is being addressed in a separate operable unit, the materials provided to the Board didn't demonstrate that the proposed soil remedy is consistent with the range of remedies being considered for ground water in the future. The Board recommends that the decision documents more clearly explain how the soil remedy components are necessary for and compatible with future ground water remediation. Some questions that were raised by separating the soil and ground water components of the remedy include:
 - Does the residual contaminated soil continue to act as a significant source of contamination to ground water or have the majority of the mobile contaminants already been released to the ground water? Was an appropriate model (not a screening level approach) or other tool used to document the assessment?
 - Has a full investigation documented that DNAPL was sufficiently captured in the initial removal action and that there is not an additional source? Board members' experience at wood treating sites indicates that DNAPL is almost always found in the saturated and vadose zones resulting from long-term creosote treatment.
 - Has consideration been given to disposal of soils possibly saturated with DNAPL and the effects it might have on liner compatibility and life?
 - If, as was stated during the presentation, the ground water quality has not significantly improved since the initial removal action, what expectation is there that additional soil contaminant excavation would eliminate the contaminant source?
9. More than 20% of the contaminated soil proposed for excavation is on-site, sub-surface soil to be removed to protect ground water. Given substantial existing ground water contamination from the Escambia and Agrico sites, the Board recommends that the Region evaluate whether or not removal of these subsurface soils will make a significant change in contaminant mass and plume volume down gradient from the site.
10. As part of its presentation to the Board, the Region described the redevelopment plans for the site and how those plans affected the overall remedial approach including the selection of cleanup goals. Based on the presented information, however, it was unclear whether all of the proposed actions would be necessary to implement a protective Superfund remedy. The Board recommends that the decision documents clearly identify those remedy components appropriate under CERCLA. Other actions or activities, which may be more associated with, or beneficial to the planned redevelopment of the site (e.g., capping and compaction to support structures) should be pursued outside of the Superfund process.

11. The Board package included “permanently and/or significantly reduce the mobility/toxicity/...with treatment.” There is no treatment planned for the soils, therefore, the decision documents should not include this as an RAO.

The NRRB appreciates the Region’s efforts in working together with the State, and community groups at this site. We request that a draft response to these findings be included with the draft Proposed Plan when it is forwarded to your OSRTI Regional Support Branch for review. The Regional Support Branch will work with both myself and your staff to resolve any remaining issues prior to your release of the Proposed Plan. Once your response is final and made part of the site’s Administrative Record, then a copy of this letter and your response will be posted on the NRRB website.

Thank you for your support and the support of your managers and staff in preparing for this review. Please call me at (703) 603-8774 should you have any questions.

cc: M. Cook (OSRTI)
E. Southerland (OSRTI)
S. Bromm (OSRE)
J. Woolford (FFRRO)
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NRRB members

Attendees:

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